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09/742,046	12/20/2000	Jerry Mizell	13729RR	9952

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EXAMINER

MILLER, BRANDON J

ART UNIT      PAPER NUMBER

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4

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No. 09/742,046	Applicant(s) MIZELL ET AL.
Examiner Brandon J Miller	Art Unit 2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 20 October 2003.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-15 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some \* c)  None of:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4)  Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other:

**DETAILED ACTION**

***Response to Amendment***

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Sladek.

Regarding claim 1 Collins teaches a mobile terminal comprising: a processor; a memory; transceiver circuitry (see col. 4, lines 44-50). Collins teaches receiving an SMS message in one of a legacy format or an IP data format (see col. 6, lines 45-47 & 55-58). Collins teaches forwarding an SMS message to one of a legacy SMS message processing block or an IP protocol SMS message-processing block (see col. 5, lines 29-31 & 40-45). Collins teaches removing IP address information to construct an SMS message (see col. 6, lines 50-58). Collins does not specifically teach an internal bus, or a memory that includes computer instructions that define operational logic of the mobile terminal to enable the mobile terminal to remove IP packet header information of a plurality of data packets. Sladek teaches a memory that includes computer instructions that define operational logic of a mobile terminal (see col. 9, lines 3-7 & 17-21). Sladek teaches modifying IP packet header information of a plurality of data packets (see col. 9, lines 25-29 & 35-40). It would have been obvious to one of ordinary skill in the art at

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the time the invention was made to make the invention adapt to include an internal bus, a memory that includes computer instructions that define operational logic of the mobile terminal to enable the mobile terminal to remove IP packet header information of a plurality of data packets because this would allow for a flexible mechanism that allows for a combination of network routing.

Regarding claim 2 Collins teaches instructions that define operational logic to enable a mobile terminal to process a constructed SMS message (see col. 4, lines 44-48).

Regarding claim 6 Collins teaches a mobile terminal comprising: transceiver circuitry for receiving communication signals over a wireless communication link (see col. 4, lines 44-50). Collins teaches circuitry for receiving an SMS message in one of a legacy format or an IP data packet format (see col. 6, lines 45-47 & 55-58). Collins teaches forwarding an SMS message to one of a legacy SMS message processing block or an IP protocol SMS message-processing block (see col. 5, lines 29-31 & 40-45). Collins teaches processing transmitted SMS messages, with processing circuitry coupled to receive data from transceiver circuitry (see col. 5, lines 29-33 & 37-39). Collins does not specifically teach reconstructing SMS messages transmitted in a data packet format, or processing circuitry coupled to receive data packets from transceiver circuitry. Sladek teaches reconstructing messages transmitted in a data packet format (see col. 10, lines 66-67 and col. 11, lines 1-8). Sladek teaches processing circuitry coupled to receive data packets from transceiver circuitry (see col. 11, lines 15-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include reconstructing SMS messages transmitted in a data packet format, or processing circuitry

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coupled to receive data packets from transceiver circuitry because this would allow for a flexible mechanism that allows for a combination of network routing.

Claims 3-5 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Sladek and Chern.

Regarding claim 3 Collins and Sladek teaches a device as recited in claim 1 except for an audio processing circuit for generating audio to be played over a speaker, which audio signals were received as a digital signal by a mobile terminal. Chern teaches an audio processing circuitry for generating audio to be played over a speaker, which audio signals were received as a digital signal by a mobile terminal (see col. 4, lines 29-35, col. 14, lines 50-57 and FIG. 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include an audio processing circuit for generating audio to be played over a speaker, which audio signals were received as a digital signal by a mobile terminal because this would allow for a improved method of generating an SMS alert message.

Regarding claim 4 Chern teaches a speaker coupled to receive an analog signal from audio processing circuitry wherein the speaker creates audio for human perception (see col. 4, lines 29-35, col. 14, lines 50-57 and FIG. 5).

Regarding claim 5 Chern teaches a microphone for converting sound into electrical signals, which electrical signals are transmitted to an audio processor (see col. 4, lines 29-35, col. 14, lines 50-57, and FIG. 5).

Regarding claim 8 Collins and Sladek teach a device as recited in claim 6 except for audio processing circuitry coupled to receive communication signals from transceiver circuitry. Chern teaches audio processing circuitry coupled to receive communication signals from

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transceiver circuitry (see col. 4, lines 29-35, col. 14, lines 50-57 and FIG. 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include audio processing circuitry coupled to receive communication signals from transceiver circuitry because this would allow for a wireless device capable of receiving an audio SMS alert message.

Regarding claim 9 Chern teaches a speaker coupled to the audio processing circuitry for producing sound (see col. 4, lines 29-35, col. 14, lines 50-57 and FIG. 5).

Regarding claim 10 Chern teaches a microphone for receiving sound waves and for converting the received sound waves into electrical signals that are to be produced to the audio processor for processing (see col. 4, lines 29-35, col. 14, lines 50-67 and FIG. 5).

Claims 7, 11, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Sladek and Josse.

Regarding claim 7 Collins and Sladek teach a device as recited in claim 6 except for legacy SMS message processing wherein the mobile terminal is coupled to receive SMS messages in both IP data packet and in legacy SMS message formats within a tunneling protocol. Sladek does teach legacy data processing wherein the mobile terminal is coupled to receive data in both IP data packet and in legacy SMS message formats (see col. 11, lines 15-22 and col. 13, lines 60-66). Josse teaches routing message within a tunneling protocol (see col. 7, lines 49-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include legacy SMS message processing wherein the mobile terminal is coupled to receive SMS messages in both IP data packet and in legacy SMS message formats

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within a tunneling protocol because this would allow for a flexible routing mechanism that allows for a combination of network routing.

Regarding claim 11 Collins teaches a mobile terminal for receiving and processing an SMS message (see col. 4, lines (44-48). Collins teaches receiving a plurality of IP data portions representing an SMS message, determining that a plurality of data portions represent an SMS message, retrieving address information, reforming an SMS message with address information, and processing the SMS message (see col. 10, lines 50-64). Collins does not specifically teach a GPRS capable mobile terminal or removing IP packet header information. Sladek teaches modifying IP packet header information (see col. 9, lines 25-29 & 35-40). Josse teaches a GPRS capable mobile terminal (see col. 5, lines 7-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a GPRS capable mobile terminal or removing IP packet header information because this would allow for a flexible routing mechanism that allow for a combination of network routing.

Regarding claim 13 Collins teaches transmitting an SMS message from a mobile terminal to a base station (see col. 4, lines 43-50).

Regarding claim 14 Collins teaches converting an outgoing SMS message into IP data (see col. 5, lines 40-45). Sladek teaches a plurality of data packets 12, lines 38-40).

Regarding claim 15 Collins teaches inserting an IP address of a message center in a data portion (see col. 10, lines 53-57). Sladek teaches inserting an address within a header of each data packet (see col. 12, lines 35-40).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Sladek and Lorello.

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Regarding claim 12 Collins and Sladek teach a device as recited in claim 11 except for receiving an SMS message in a legacy format and then processing the SMS message by the SMS processing circuitry within the mobile terminal. Collins does teach processing an SMS message within a mobile terminal (see col. 4, lines 44-48). Lorello teaches transmitting a message in a legacy SMS network (see col. 9, lines 60-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include receiving an SMS message in a legacy format and then processing the SMS message by the SMS processing circuitry within the mobile terminal because this would allow for a flexible routing mechanism that allows for a combination of network routing.

*Response to Arguments*

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sim European Patent Application EP 1 039 768 A2 discloses a data transmitting and receiving apparatus and method for a digital mobile station.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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December 16, 2003



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